THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.18168 OF 1995

DATED: 17-10-2006

BETWEEN

K. G. Rajam

…PETITIONER

AND

Chairman,
Industrial Tribunal-cum-Labour Court,
Godavarikhani and another.

…RESPONDENTS

ORDER:

Petitioners seeks a Writ of Certiorari calling for records relating to I.D.No.26 of 1991 form the first respondent and quash the said award as arbitrary and irregular.

Learned counsel for the petitioner submits that the petitioner was appointed as conductor in the second respondent's corporation and while conducting the bus on Neelvai – Chennur route at stage No.12, a check was exercised by the checking officials and found certain cash and ticket irregularities. They served a charge memo stating that the petitioner failed to observe the rule issue and start without reasonable cause; that the petitioner failed to collect the fare and issue tickets to two passengers; petitioner failed to issue tickets

in spite of collecting requisite fare of Rs.1/- per head from a batch of 12 passengers who boarded at the boarding point itself found alighting at Kotapally stage No.12 without tickets boarded at Mallampally

ex-stages 13 to 12 and that the petitioner failed to close the ticket tray

numbers of all denominations against stage No.12. Thereafter the petitioner was removed from services vide proceedings dated 27.08.1997 issued by the second respondent. Aggrieved by the said proceedings, the petitioner raised an industrial dispute before the first respondent in I.D.No.26 of 1991 and the Tribunal modified the order of removal only with regard to the quantum of punishment and observed that though there is commission of lapse on the part of the petitioner in not issuing tickets to 14 passengers, which does deserve any consideration and sympathy, but having regard to the facts and circumstances that the petitioner was out of service for already 6½ years, he might have realized the mistake committed by him and adopting a sympathetic view the tribunal passed an award directing the respondent therein to appoint the petitioner as Fresh-Conductor without continuity of his previous service. The Tribunal accordingly passed an award partly-allowing the petition while setting aside the order of removal.

I am of the opinion that when the Tribunal has taken a very sympathetic view in ordering that the petitioner be appointed as a fresh-conductor, it cannot be said that it has committed any error legal or otherwise. The writ petition is devoid of merits and it is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

October 17, 2006
DSK